

9402. Adulteration and misbranding of apple, muscadine, apricot, Mexicola Hot, and red grape flavor beverages. U. S. * * * v. Two 16-Gallon Kegs * * * of Beverage and Four 16-Gallon Kegs * * * of Beverage. Default decrees of condemnation and forfeiture. Products ordered destroyed. (F. & D. Nos. 14207, 14208. Inv. Nos. 27357, 27358, 27359, 27360, 27361, 27362. S. Nos. C-2691, C-2692, C-2693, C-2694.)

On January 24, 1921, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of two 16-gallon kegs of alleged beverage, which were labeled in part, respectively, "Apple" and "Muscadine," and four 16-gallon kegs of alleged beverage, labeled in part, respectively, "Red Grape," "Apricot Flavor," "Apple Flavor," and "Mexicola Hot," at Collins, Ark., alleging that the articles had been shipped on or about December 8, 1920, by the Red Cross Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the articles was alleged in substance in the libels for the reason that they contained an added poisonous or deleterious ingredient, namely, saccharin, which might render the articles injurious to health, and which had been mixed and packed with, and substituted in part for, sugar, and for the further reason that the articles were mixed and colored [in a manner] whereby damage and inferiority were concealed.

Misbranding of the apple and red grape beverages was alleged in substance for the reason that the labeling, "Apple" and "Red Grape," was false and misleading to the purchaser when applied to an imitation product prepared from an artificially colored, flavored, and sweetened solution, containing saccharin and benzoate of soda, neither being declared upon the label. Misbranding of the other articles was alleged for the reason that the following statements, "Muscadine," or "Apricot," or "Apple Flavor," or "Mexicola Hot," as the case might be, "Non-Alcoholic Artificial Flavor and Color Muscadine Flavor," or "Apricot Flavor," or "Apple Flavor," or "Mexicola Hot," as the case might be, (in very small type) "Sweetened with Saccharine * * * The contents of this Package guaranteed to comply with all laws. * * * Guaranteed by Red Cross Mfg. Co. St. Louis, Mo.," were false and misleading and would deceive and mislead the purchaser when applied to a product which contained saccharin, which might render the article injurious to health, and benzoate of soda, which was not declared upon the label. Misbranding was further alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 26, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

9403. Misbranding of Euca-Mul. U. S. * * * v. 13½ Dozen 16-Ounce Size and 44 Dozen 2½-Ounce Size Bottles of * * * Euca-Mul. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 14228, 14231, 14232. I. S. Nos. 10188-t, 10189-t, 10186-t, 10187-t, 10190-t, 10191-t. S. Nos. W-839, W-840, W-841.)

On January 25, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and